

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Office of Engineering and Technology	)	
Seeks Comment on Petition from Continental	)	ET Docket No. 05-247
Airlines for Declaratory Ruling regarding	)	
Whether certain Restrictions on Antenna	)	
Installation are Permissible under the	)	
Commission's Over-The-Air Reception	)	
Devices (OTARD) Rules	)	

**REPLY COMMENTS OF THE  
CONSUMER ELECTRONICS ASSOCIATION**

The Consumer Electronics Association ("CEA") respectfully files these reply comments in response to the Commission's Public Notice in the above-captioning.<sup>1</sup>

CEA is the principal U.S. trade association of the consumer electronics and information technologies industries. Its members design, manufacture, distribute and sell a wide range of consumer products including digital and analog television receivers, television monitors, computer television tuner cards, and associated electronics such as DVD recorders and digital video recorders ("DVRs"), video cassette recorders ("VCRs"), direct broadcast satellite radios ("DARS"), satellite television receivers ("DBS"), broadcast AM and FM radios, and similar products. CEA's more than 2,000 member companies include the world's leading consumer electronics manufacturers.

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<sup>1</sup> See Office of Engineering and Technology Seeks Comment on Petition from Continental Airlines for Declaratory Ruling regarding Whether certain Restrictions on Antenna Installation are Permissible under the Commission's Over-The-Air Reception Devices (OTARD) Rules, ET Docket No. 05-247, Public Notice, DA 05-2213 (rel. Jul. 29, 2005); See Order Extending Comment Period, ET Docket No. 05-247, DA 05-2355 (rel. Aug. 23, 2005).

CEA urges the Commission to grant Continental Airlines' Petition for Declaratory Ruling. We support Continental's view that "Massport's restrictions are contrary to the principles recently adopted by Commission's in its Policy Statement regarding the open and interconnected nature of public Internet"<sup>2</sup> and also violate the Commission's OTARD rules if indeed the Commission determines that they apply in this proceeding.

We also support the comments of the Air Transport Association of America. ATA aptly notes that "[t]he Commission's OTARD rules were enacted in order to enhance competition and promote consumer choice among telecommunications service providers." Massport's actions run directly counter to the Commission's intent.<sup>3</sup> Further, CEA strongly supports ATA's view that Massport's actions would set a dangerous precedent by undermining the Commission's recently adopted Policy Statement regarding broadband deployment.<sup>4</sup>

T-Mobile's views are similar to ATA's regarding the danger of setting precedents that run counter to federal policy objectives regarding broadband deployment.<sup>5</sup> CEA fully supports T-Mobile's comments in this regard and further urges the Commission to reflect on its recent Policy Statement regarding broadband issues. In the Policy Statement, the Commission notes that: "[t]he availability of the Internet has a profound impact on American life."<sup>6</sup> This profound impact is a result of the technological innovation that has enabled the Internet to flourish.

The four policy principles that the Commission adopted in its Policy Statement reflect the need to encourage broadband deployment and preserve and promote the open and interconnected nature of the public Internet. The fourth policy principle ensures that consumers have choice

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<sup>2</sup> See Comments of Continental Airlines, Inc., filed September 28, 2005, at 12 ("Continental Comments").

<sup>3</sup> See Comments of Air Transport Association of America, Inc., filed September 28, 2005, at 12 ("ATA Comments").

<sup>4</sup> *Id.*, at 20.

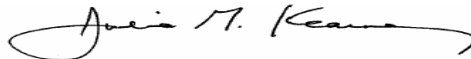
<sup>5</sup> See Comments of T-Mobile USA, Inc., filed September 28, 2005, at 14 ("T-Mobile Comments").

<sup>6</sup> See Policy Statement, FCC 05-151, at para. 1 (rel. September 23, 2005).

among network providers, application and service providers, and content providers.<sup>7</sup> CEA urges the Commission to apply this principle to the facts in this proceeding. CEA further appeals to the Commission to embrace its “duty to preserve and promote the vibrant and open character of the Internet as the telecommunications marketplace enters the broadband age”,<sup>8</sup> recalling the recent outcome of the Madison River proceeding.<sup>9</sup>

For the reasons stated above, CEA urges the Commission to grant Continental Airlines’ Petition for Declaratory Ruling in the above-captioned proceeding.

Respectfully submitted,



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<sup>7</sup> *Id.*, at 3.

<sup>8</sup> *Id.*

<sup>9</sup> See Madison River LLC and Affiliated Companies, File No. EB-05-IH-0110, Order, 20 FCC Rcd 4295 (Enf. Bur. 2005) (where Commission entered into Consent Decree to resolve an investigation by the Enforcement Bureau to resolve an investigation regarding Madison River’s compliance with section 201(b) of the Communications Act of 1934, as amended, with respect to the blocking of ports used for VoIP applications, thereby affecting customers’ ability to use VoIP through one or more VoIP providers).